

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317)232-9855

**FISCAL IMPACT STATEMENT**

**LS 6057**

**BILL NUMBER:** HB 1829

**DATE PREPARED:** Oct 22, 1998

**BILL AMENDED:**

**SUBJECT:** Tobacco use by minors.

**FISCAL ANALYST:** Mark Bucherl

**PHONE NUMBER:** 232-9869

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill makes it a Class C misdemeanor instead of a Class C infraction for a person to knowingly sell or distribute tobacco to a person who is less than 18 years of age. It also removes the defense that the person reasonably believed that the buyer or taker of the tobacco was at least 18 years of age.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Removing the defense that the accused believed a tobacco buyer to be at least 18 years old could increase the number of charges and convictions for this offense. Also, this bill potentially increases revenue to the Common School Fund but could reduce revenue that is deposited in the state General Fund. This is because fines from misdemeanors are deposited in the Common School Fund while infraction judgements are deposited in the state General Fund. Currently, the maximum judgment for a Class C infraction is \$500 which is deposited into the state General Fund while the maximum fine for a Class C misdemeanor is \$500, which is deposited into the Common School Fund. Besides the issuance of fines, the sentencing court may assess a court fee if a guilty verdict is entered. The court fee for an infraction is \$70 while the court fee for a misdemeanor is \$120. The state receives 70% of the court fee that is assessed when a guilty verdict is entered and the fee is collected in a court of record and 55% if a case is filed in a city or town court.

**Explanation of Local Expenditures:** Local expenditures could increase if offenders are incarcerated in local jails instead of being only fined. A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost of housing an offender in jail is reported to be \$44. There is no term of imprisonment for an infraction.

**Explanation of Local Revenues:** Local governments could receive additional revenues from any court fees that are collected for cases that were infractions and are now misdemeanors. 27% of court fees that are collected are deposited in the county general fund when a guilty verdict is entered for a misdemeanor. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. From city and town courts, the county general fund receives 20% of the court fee, while the city or town general fund receives 25%.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association.